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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 02 2018

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTEL CHAVEZ-MENDOZA,

Defendant.

1:18-CR-2060-SAB

INDICTMENT

21 U.S.C. §§ 841(a)(1), 846
Conspiracy to Distribute 500 Grams or
More of a Mixture or Substance
Containing Methamphetamine
(Count 1)

21 U.S.C. § 841(a)(1), (b)(1)(A)(viii)
Distribution of 500 Grams or More of
a Mixture or Substance Containing
Methamphetamine
(Count 2)

21 U.S.C. § 841(a)(1), (b)(1)(A)(viii)
Possession with Intent to Distribute
500 Grams or More of a Mixture or
Substance Containing
Methamphetamine
(Count 3)

18 U.S.C. §§ 922(g)(5), 924(a)(2)
Alien in Possession of a Firearm and
Ammunition
(Count 4)

8 U.S.C. § 1326
Alien in United States
After Deportation
(Count 5)

21 U.S.C. § 853, 18 U.S.C. § 924,
28 U.S.C. § 2461
Forfeiture Allegations

The Grand Jury charges:

COUNT 1

Beginning on or about a date unknown, but at least by on or about May 1, 2018, and continuing to on or about September 5, 2018, in the Eastern District of Washington, and elsewhere, the Defendant, MARTEL CHAVEZ-MENDOZA, knowingly and intentionally combined, conspired, confederated and agreed together and with other persons, both known and unknown, to commit the following offense against the United States, to wit: distribution of 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii); all in violation of 21 U.S.C. § 846.

COUNT 2

On or about August 23, 2018, in the Eastern District of Washington, the Defendant, MARTEL CHAVEZ-MENDOZA, did knowingly and intentionally distribute 500 grams or more of a mixture or substance containing a detectable

1 amount of methamphetamine, a Schedule II controlled substance, in violation of 21
2 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

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COUNT 3

On or about September 5, 2018, in the Eastern District of Washington, the
Defendant, MARTEL CHAVEZ-MENDOZA, did knowingly and intentionally
possess with intent to distribute 500 grams or more of a mixture or substance
containing a detectable amount of methamphetamine, a Schedule II controlled
substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 4

On or about September 5, 2018, in the Eastern District of Washington, the
Defendant, MARTEL CHAVEZ-MENDOZA, then being an alien illegally and
unlawfully in the United States, did knowingly possess in and affecting interstate
commerce firearms, to wit: a Sig Sauer, Model M400, 5.56 caliber rifle, bearing
serial number 20C061320; a Marlin, Model 1893, 38-55 caliber rifle, bearing serial
number 130277; and a Browning, Model A-Bolt, 7mm Remington Magnum rifle,
bearing serial number 59217NY7C7; which firearms had been shipped and
transported in interstate and foreign commerce; all in violation of 18 U.S.C. §§
922(g)(5), 924(a)(2).

COUNT 5

On or about September 5, 2018, the Defendant, MARTEL CHAVEZ-MENDOZA, a citizen and national of Mexico, who had theretofore been denied admission, excluded, deported and removed from the United States on or about January 20, 2000, at Brownsville, Texas, and on or about January 20, 2001, at San Ysidro, California, and on or about May 17, 2004, at Nogales, Arizona, and on or about April 6, 2012, at Calexico, California, was found in the Eastern District of Washington, and he did not then have the express consent of the Attorney General or the Attorney General's successor, the Secretary of the Department of Homeland Security (6 U.S.C. §§ 101, 202(3) & (4), 402, 557), to reapply for admission into the United States, all in violation of 8 U.S.C. § 1326.

NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures.

Pursuant to 21 U.S.C. § 853, upon conviction of an offense in violation of 21 U.S.C. §§ 841(a)(1), 846, as alleged in Count 1, and/or 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii), as alleged in Count 3 of this Indictment, the Defendant, MARTEL CHAVEZ-MENDOZA, shall forfeit to the United States of America, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used or intended to be used, in any

1 manner or part, to commit or to facilitate the commission of the offense(s). The
2 property to be forfeited includes, but is not limited to:

- 3 - Approximately \$45,806.00 in U.S. currency;
- 4 - Approximately \$5,000.00 in U.S. currency; and,
- 5 - Approximately \$4,000.00 in U.S. currency.

6 All seized by the United States Drug Enforcement Administration on or
7 about September 5, 2018, pursuant to the execution of a federal search warrant.

8 If any forfeitable property, as a result of any act or omission of the
9 Defendant(s):
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- 11 (a) cannot be located upon the exercise of due diligence;
- 12 (b) has been transferred or sold to, or deposited with, a third party;
- 13 (c) has been placed beyond the jurisdiction of the court;
- 14 (d) has been substantially diminished in value; or
- 15 (e) has been commingled with other property which cannot be divided
16 without difficulty;
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20 the United States of America shall be entitled to forfeiture of substitute property
21 pursuant to 21 U.S.C. § 853(p).
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23 Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), upon conviction
24 of an offense(s) in violation of 18 U.S.C. §§ 922(g)(5), 924, as alleged in Count 4
25 of this Indictment, the Defendant, MARTEL CHAVEZ-MENDOZA, shall forfeit
26 to the United States of America, any firearms and ammunition involved or used in
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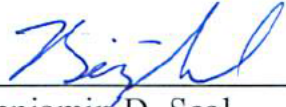
1 the commission of the offense(s). The property to be forfeited includes, but is not
2 limited to:

- 3 - a Sig Sauer, Model M400, 5.56 caliber rifle, bearing serial number
4 20C061320;
5 - a Marlin, Model 1893, 38-55 caliber rifle, bearing serial number 130277;
6 - a Browning, Model A-Bolt, 7mm Remington Magnum rifle, bearing serial
7 number 59217NY7C7.
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9 DATED this 2 day of October 2018.

12 Foreperson

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14 
15 Joseph H. Harrington
16 United States Attorney

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18 Benjamin D. Seal
19 Assistant United States Attorney
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